

# Ethnic Minorities Development Framework

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Project Number: 50050-002  
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## PRC: Guangxi Regional Cooperation and Integration Promotion Investment Program

Prepared by the Government of the People's Republic of China for the Asian Development Bank.

## CURRENCY EQUIVALENTS

(as of 2 September 2016)

Currency unit	–	yuan (CNY)
CNY 1.00	=	\$0.1499
\$1.00	=	CNY6.6692

## ABBREVIATIONS

ADB	–	Asian Development Bank
BEZ	–	Border Economic Zones
EM	–	Ethnic Minorities
EMDF	–	Ethnic Minorities Development Framework
EMDP	–	Ethnic Minorities Development Plan
GMS	–	Greater Mekong Subregion
GRC	–	Grievance Redress Mechanism
IP	–	Indigenous People
M&E	–	Monitoring & Evaluation
MFF	–	Multitranches Financing Facility
NSEC	–	North-South Economic Corridor
PRC	–	People's Republic of China
PPTA	–	Project Preparatory Technical Assistance
RAEM	–	Regional Autonomy of Ethnic Minorities
SPS	–	Safeguards Policy Statement

## NOTES

- (i) The fiscal year (FY) of the Government of the People's Republic of China and its agencies ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

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## I. INTRODUCTION

### 1.1. Project Description

1. The Greater Mekong Subregion<sup>1</sup> (GMS) Cooperation Program envisions a subregion that is more integrated, prosperous, and equitable. This vision is being pursued through a "3C" strategy of enhancing connectivity, improving competitiveness, and promoting a greater sense of community. To implement this strategy, the GMS countries have adopted an economic corridor approach, whereby transport corridors will be expanded, trade and investment promoted, and economic growth stimulated. The People's Republic of China (PRC) and Viet Nam are active participants in development of the GMS North-South Economic Corridor (NSEC).

2. The PRC government has requested ADB to provide a \$450 million Multitranche Financing facility (MFF) to fund a portion of the long-term investment needs for implementing Guangxi's strategies and action plans for both the GMS and the Belt and Road Initiative.

3. This investment program will enhance cooperation between the PRC and Viet Nam under the GMS framework, and is expected to have high regional economic cooperation and integration (RCI) spill-overs, benefitting also Viet Nam's northern border provinces including Quang Ninh, Lang Son, and Cao Bang. The Investment Program will stimulate economic corridor development between Guangxi and the northern border provinces of Viet Nam by (i) supporting the expansion of small and medium-sized enterprises (SME) in border areas; (ii) facilitating efficient cross-border financial transactions and investments; (iii) facilitating the development of an integrated and interoperable cross-border e-commerce platforms for the PRC and Viet Nam; (iv) providing key infrastructure and trade-related services in border economic zones; and (v) improving physical and informational connectivity and policy coordination.<sup>2</sup>

### 1.2. Rationale for the Ethnic Minorities Development Framework

1. Although Zhuang, Han, Jing, Miao, Yao are officially designated as the long-dwelling ethnic groups (shiju minzu) in the Investment Program impacted districts/cities, the Zhuang constitute the dominant population. In Jingxi, 99.4% of the people are Zhuang. In Pingxiang City and Jiangzhou District, Zhuang population accounts for 85% and 80% respectively whereas in Fangcheng District, Zhuang accounts for 35.7% of the total population. Except for Zhuang, there is no concentrated settlement of any other ethnic group in the project area. The local population consulted does not see any ethnic differences amongst themselves either in terms of socioeconomic status or cultural or religious identities.

2. Based on due diligence in accordance with the SPS 2009, it is confirmed that the Tranche 1 will not incur any adverse impacts on ethnic minorities. MFF is categorized B for Indigenous People. Indigenous Peoples Plan elements were included in the project design following para 17 of Safeguard Policy Statement SR3 (Indigenous Peoples).

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<sup>1</sup> Guangxi Zhuang Autonomous Region and Yunnan Province are members of GMS.

<sup>2</sup> The Asian Development Bank (ADB) provided project preparatory technical assistance for Proposed Multitranche Financing Facility People's Republic of China Guangxi Regional Cooperation and Integration Promotion Investment Program (TA-9120 PRC).

3. This Ethnic Minorities Development Framework (EMDF) has been prepared for the approval of the above Multitranche Financial Facility<sup>4</sup> (MFF), in consideration to the PRC's Constitution, relevant laws and policies, and the ADB's Safeguards Policy Statement (SPS) June 2009. The EMDF will facilitate compliance with the Safeguard Requirements 3 of ADB's Safeguards Policy Statement (SPS) 2009.

4. Some infrastructure development activities are likely to take place in the following tranches, however, as the specific locations of such infrastructure development has not yet been finalized, this EMDF has been prepared to guide the subproject selection, screening and categorization, social impact assessment, and preparation and implementation of ethnic peoples development plans of subprojects (where ADB's safeguard requirements will be triggered) in accordance with the requirements specified in Safeguard Requirements 3 of SPS. The classification is an ongoing process to be confirmed by ADB during each tranche.

5. The EMDF provides guidance on conduct of socio-economic surveys for beneficial as well as mitigating measures, capacity building, grievance and redress mechanism, institutional arrangements, consultation and disclosure, monitoring and evaluation, and the budget and financing.

## **II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS**

### **2.1. Objective of the Ethnic Minorities Development Framework**

6. The objectives of the EMDF are to ensure that, if ethnic groups in the project provinces are positively and negatively affected by the project, they (i) are adequately and fully consulted; (ii) receive culturally appropriate benefits from the project and compensation for any losses; (iii) are provided with special assistance as per laws and policies; and (iv) receive adequate protection against project adverse impacts on their culture identities. This Ethnic Minorities Development Framework also sets out the steps for preparation of Ethnic Minorities Development Plan (EMDPs) for the subprojects. The EMDP will be formulated and approved before any physical activities start.

7. In the ADB's SPS (2009), the term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region.

8. In PRC, the term "ethnic minorities" is more acceptable and understandable than "Indigenous peoples". This official terminology is used in this Ethnic Minorities Development Framework as per PRC Laws and Regulations.

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<sup>4</sup> The MFF lending modality allows for the Investment Program to be split into tranches (projects). For ADB Board approval, only the first tranche is prepared with related safeguard documents. Frameworks (including this document) are prepared to guide the preparation of safeguard documents for subsequent tranches.

## **2.2. Relevant Laws and regulations of PRC**

### **2.2.1. PRC's Ethnic Minority Policy**

9. A unified multi-ethnic country is defined as the fundamental realities of the People's Republic of China (PRC), which highlights "safeguarding national unification and ethnic unity" as its overarching goal of ethnic minority affairs management and policies. The Common Program adopted by the Chinese People's Political Consultative Conference (CPPCC) in September 1949 clearly stipulated that "all the ethnic groups within Chinese territory were equal. PRC, as a unified multi-ethnic state, instituted EM Regional Autonomy in areas where EM people lived in compact communities, establishing various levels of regional EM autonomous organs according to the population and scope of these areas. The state takes various measures to guarantee that ethnic minorities can participate equally in the administration of state affairs and autonomously manage their internal affairs.

10. According to China's Constitution (adopted in 1954, and revised in 1982), Regional Autonomy of Ethnic Minorities (RAEM) is one of the fundamental national policies. The key principles include:

- Principle of ethnic equality and unity;
- Principle of equal opportunities for each ethnic minority to participate in the management of state affairs; and
- Principle of regional autonomy of ethnic minorities.

11. The key guiding principles of managing ethnic affairs in the PRC include: (i) insisting on socialist system; (ii) insisting on the leadership of the Chinese Communist Party (CCP); and (iii) insisting on the system of regional autonomy of ethnic minorities;" (iv) "safeguarding the unity of all ethnic groups; and (v) national unity is the supreme interest of all ethnic groups". Thus "equality and unity" are on the priority of PRC's EM policies which are further elaborated as:

- Policy of speeding up economic development in ethnic minority areas
- Favorable policy for ethnic minority family planning (2-3 children for each couple is permitted for ethnic minority people)
- Policy of developing ethnic minority education
- Policy of respecting and developing ethnic minority languages,
- Policy of respecting ethnic minorities' freedom in religious belief
- Policy of protecting ethnic minorities' cultural heritages
- Policy of respecting ethnic minorities' customs and traditions.

12. The new target of governmental effort in PRC rural development is to improve the living conditions and social safeguards in villages, and is elaborated as: "Five Connections, Eight Haves". Five connections refers to (i) connection of road; (ii) connection of electricity; (iii) connection of water supply; (iv) connection of TV cables; (v) connection of internet and telephone. The Eight haves include: (i) have qualified public space for organized activities; (ii) have qualified clinic and village doctors; (iii) each natural village has comfortable living conditions; (iv) each household has descent creditable house which is anti-seismic; (v) each person has at least one mu stable high yield paddy field or other farming land; (vi) each person has at least one mu cash crop land; (vii) each person has at least one livestock to sell each year; (viii) each member of the labor force has one skill to increase his/her income.

13. Since 2000, a series of national programs have been launched to speed up the overall development of ethnic minority areas. “West Development Program”, “Vitalizing Border Areas and Enriching the People Living There”, “Supporting Smaller Ethnic Minorities”, “the Reconstruction of Villages with Outstanding Ethnic Cultural Features”, “Poverty Alleviation Focusing on Contiguous Poor Areas”, “Water Cellar for Mothers” and many other local-level programs have had significant impact on the rural living conditions and socioeconomic development for both ethnic minority villages, Han villages and the mixed villages.

### **2.3. ADB’s Policy on Indigenous People**

14. On 29 June 2009, ADB updated its safeguards policies by integrating its policies on involuntary resettlement, indigenous peoples and the environment into one common SPS. The SPS was approved by the ADB Board on 20 July 2009 and became effective on 20 January 2010.

15. The objectives of ADB Policy on Indigenous Peoples are to ensure that project are designed and implemented in a way that fosters full respect for Indigenous Peoples’ identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits; (ii) do not suffer adverse impacts as a result of projects; and (iii) can participate actively in projects that affect them. The term “Indigenous Peoples” is used by the SPS in a generic sense to refer to a distinct, vulnerable, social, and cultural group possessing the following four characteristics in varying degrees:

- (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- (iii) customary, cultural, economic, social, or political institutions that are
- (iv) separate from those of the dominant society and culture; and
- (v) a distinct language, often different from the official language of the country or region.

16. Projects financed by ADB, including associated facilities that are financed by the government or other sources, are expected to observe the following policy principles:

- (i) Screen early on to determine (a) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (b) whether project impacts on Indigenous Peoples are likely;
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples;
- (iii) Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (a) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (b) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate

manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns. Summarize the date, location, consultee group and items discussed (refer to Appendix 3 for a suggested template for the summary report);

- (iv) Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (a) commercial development of the cultural resources and knowledge of Indigenous Peoples; (b) physical displacement from traditional or customary lands; and (c) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities;
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared;
- (vi) Prepare an Indigenous Peoples Plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures;
- (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders;
- (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (a) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (b) involuntary acquisition of such lands; and
- (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

## **2.4. ADB IP Policy Principles Relevant to this Project**

17. All the above-mentioned ADB IP policy principles and approaches are relevant for the project despite the anticipated project impact on IP being limited. PRC does not have these specific requirements (such as early screening, social assessment, meaningful consultation, information dissemination, IPP and grievance redress system) in its project designing and implementation, assuming that these can be adequately dealt with by the local administrative system.

18. In view of the above, the key ADB SPS requirements which are relevant in this project due to the differences between ADB approaches and Chinese strategies include: (i) an early screening be conducted by qualified expert to identify IP in the Project areas and the potential impact on IPs. (ii) social impact assessment is conducted ensure that positive or adverse impacts of the Project are identified and the benefit has to be culturally appropriate and does not create gender differences; (iii) meaningful consultation with various IP organizations and communities is done to make sure people can participate actively in project design and implementation; (iv) an IPP/EMDP is prepared by qualified experts to ensure that positive impact on IPs are maximized and adverse impact is minimized or avoided; (v) project information to be adequately and timely disclosed so that IPs know clearly what the project is going to do in relation to their property and life; (vi) impact during and after the Project implementation is monitored both internally and externally, and (vii) proper grievance redress system is established so that the general goal of the project, the positive impacts on IP are realized and adverse impacts are mitigated or avoided.

19. Assuming the social indicators, economic status and quality of life of ethnic minority peoples are below those of the mainstream population, and poverty is an unacceptable human condition, ADB's SPS believes that equity, poverty reduction can be achieved through public policy, action, effective poverty reduction by promoting economic opportunities, social development and good governance. Thus social impact assessment (SIA) is critical to identify positive, negative, direct or potential impacts and to propose proper measures to maximize the benefits and to mitigate or avoid the adverse impact on ethnic minority peoples.

### **III. SOCIAL IMPACT ASSESSMENT AND PREPARATION OF AN ETHNIC MINORITY DEVELOPMENT PLAN**

#### **3.1. Screening**

20. The Screening will be conducted by subproject PMO??. Screening will be based on (i) review the relevant documents on ethnic minorities in the project areas; (ii) site visits to the subproject areas, (iii) meetings with local authorities and concerned agencies to confirm on the presence of the ethnic groups in the areas; and (iv) meaningful consultations with ethnic minority groups and communities, consultation with organizations and concerned agencies, local authorities on the potential impacts by the project on the ethnic groups. The objectives of the screening are to (i) determine if there are negative impacts on ethnic groups which are significant and to eliminate such subprojects; (ii) identify the level of assessment and institutional resources required for the preparation of Ethnic Minority Development Plans; and (iii) determine information and consultation requirements.

21. Based on the screening result, PMOs will summarize the impacts to submit to the GPMO. The following information will be analyzed by PMOs and the GPMO:



- (i) Name(s) and numbers of ethnic groups in the subproject area; Attachment to habitats and territories;
- (ii) The autonomy and distinctness of each ethnic group;
- (iii) Potential positive and negative impacts including on culture, livelihood and land.
- (iv) Information disclosure and consultations needed to effectively involve the affected ethnic groups

22. Tranche 1 has been categorized as Category C for the IP safeguards. Ethnic Minority Development framework (EMDF) is prepared to guide the preparation of any Ethnic Minority Development Plan (EMDP) for further tranches. Each subsequent tranche of the MFF will be screened, classified and assessed in accordance with the EMDF.

### 3.2. Social Impact Assessment

#### 3.2.1. Information Requirement

23. Social impact assessment will be carried-out by the PMO and the data/information will be used to prepare an ethnic minority development plan.

24. Where screening indicates potential project impacts on ethnic minorities, PMO will conduct investigation on the nature of the project impacts. Methodologies to be used for the assessment will be quantitative methods (collect statistical data and conduct questionnaire survey) and qualitative methods (key-informant interviews, in-depth interviews and focused-group discussions). While the Tranche 1 project benefits everyone equally, the subsequent subprojects are yet to be finalized. The PMOs will watch out for the positive and negative impacts of program components on ethnic minorities and document them for tranche 2 and 3 in the Table 1 (sample) below:

**Table 1: Program Component Impact Assessment Matrix**

<b>Program Component</b>	<b>Positive Impact on Ethnic Minorities</b>	<b>Negative Impact on Ethnic Minorities</b>

25. The following information will be collected:

- (i) Baseline socioeconomic profile of the ethnic groups in the project areas. Baseline information will include ethnicity and sex disaggregated data on demographic, social, cultural, and wealth status (poverty levels) characteristics of the affected ethnic groups;
- (ii) Identify the land and territories that ethnic groups have traditionally owned or customarily used or occupied; and the natural resources on which they depend;
- (iii) Assess their access to and opportunities to avail themselves of basic social and economic services;
- (iv) Include a gender-sensitive assessment of the affected minorities' perceptions about the project and its impact on their social, economic, and cultural status. A gender-sensitive analysis is critical to the determination of potential adverse impacts, relative vulnerability and risks to the affected ethnic groups given their particular circumstances and lack of access to opportunities relative to those available to other social groups;

- (v) Assess the potential adverse and positive effects of the project. These should be assessed for the short- and long-term, direct and indirect, and positive and negative impacts of the project on each group's social, cultural, and economic status; and
- (vi) Identify and recommend measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects. Such measures must ensure that the ethnic groups receive culturally appropriate benefits under the project.

### **3.3. Reporting**

26. PMOs will analyze the data/information to prepare the Social Impact Assessment report to submit to the GPMO. The data/information on social impact will form an integral part of the ethnic groups development plan.

27. The identified social impacts as well as the measures to enhance the potential positive impacts and to avoid/minimize the potential negative impacts will be consulted with ethnic groups, communities, organizations, concerned agencies and local authorities. The procedures of information disclosure and consultations are presented in the Section IV and V below. The ethnic groups development plan will discuss the opinions, suggestions and concerns of the stakeholders and how these have been incorporated into the plan.

### **3.4. Preparation of Ethnic Minorities Development Plan (EMDP)**

28. An EMDP shall be prepared for each subproject (See Outline of EMDP enclosed as **Annexure I**). The ethnic groups development plans will be prepared by the PMOs with the assistance of their consultants as needed based on the results of the screening, social impact assessment and meaningful consultations, disclosed to affected persons, and reviewed and approved by the PMO prior to the PMO's submission to ADB for review and approval.

29. EMDPs will be prepared in Chinese and English languages and will be endorsed by local Government/PMOs and submitted to ADB for concurrence. The documents will be disclosed in accordance with ADB's Public Communications Policy to the affected communities and on ADB's website.

## **IV. CONSULTATION AND PARTICIPATION**

30. Meaningful consultation with affected ethnic groups persons, their neighbouring communities, and civil society will be conducted by PMO for each subproject. The aim of the meaningful consultation process is that all ethnic groups affected by the projects are properly and timely informed and consulted about the project, the scope, implementation schedule and activities, as well as expected impacts, both positive and negative, on them. Ethnic minorities aspirations, needs, and preferred options for the projects will be sought and measures to enhance benefits or mitigate negative impacts will be considered and recorded. A meaningful consultation process with ethnic groups will ensure their informed participation in (i) designing, implementing, and monitoring measures to avoid adverse impacts on them or, when avoidance is not possible, to minimize, mitigate, and compensate for such effects; and (ii) tailoring project benefits that accrue to them in a culturally appropriate manner. Meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken

in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

31. In carrying out meaningful consultation, all communication concerning the subproject will take place in a timely and appropriate manner - in the ethnic language of the ethnic groups and in a culturally appropriate way. Public meetings will be arranged in villages, using participatory approaches and in the ethnic minority language(s). Information will be posted in a central public location such as the village meetings venue or village head's house. Information will be mostly pictorial in order to ensure accessibility of the information for ethnic people with poor literacy skills. The public meetings will include participation of ethnic women and special attention will be given to the concerns of women and youth. To be understandable and readily accessible, the information will be communicated in a culturally appropriate way for each segment of the community. This may require different methods for women and the poor, for example. The preferred language or modes of information dissemination will be ascertained by PMO during project preparation. A range of methods will be used depending on project contents. Communication will not just be through reports, information brochures, and meetings—which, if used, should be in the local language if the community prefers this. In addition, graphs, pictures, story-telling, plays, and maps are all inclusive and powerful tools. Modern technology, such as internet chat rooms, Google earth, and local IP websites can also be used with some segments of the community, such as youth and young adults.

32. PMOs, district and village authorities will ensure that ethnic minorities are notified in advance about the public meetings. Local people's opinions, suggestions and concerns will be recorded in an appropriate way through minutes of meetings. Any claims or grievances brought up in meetings or other consultations will be recorded in the same way.

33. The draft EMDP will be disclosed at village level in a public meeting including all relevant stakeholders, with the final EMDP will also be disclosed at a public meeting. Women representing affected households must be present at the disclosure meetings. Copies of the EMDP will be placed in the village's leader houses and will also be circulated to the ethnic minorities.

## **V. DISCLOSURE OF INFORMATION**

34. PMOs, with support from district and village authorities will provide information to and conduct consultations with the affected ethnic groups and other stakeholders in a manner appropriate for the anticipated project impacts.

35. Timely disclosure of relevant information on the project to ethnic minorities will be carried out in a form and language(s) understandable to them, as is also mandatory. It is an integral part of consultation and participation. PMOs will disclose full and summary versions of the EMDP. The summary EMDP will describe the project briefly; list the anticipated impacts, major proposed mitigation measures, and project benefits; outline the grievance redress mechanism; and include contact details of the project information office for more information.

36. Under the Project, for IP safeguards, the following documents will be disclosed to ethnic minorities, posted in public places and uploaded to the ADB website (i) Draft and final Ethnic

Minorities Development Framework; and (ii) Draft and final Ethnic Minorities Development Plans and/or Corrective Action Plans prepared during implementation.

## VI. GRIEVANCE REDRESS MECHANISM

37. Members of ethnic groups will be made fully aware of their rights to grievance and the procedures by doing so verbally and in writing during consultation, survey and time of compensation. The complainants may present their complaints to the concerned local administrative officials and resettlement committees.

38. A project level grievance redress mechanism (GRM) will be established to receive, manage and address any social issues which may arise due to the project. The project agencies will ensure that potentially affected communities are informed on GRM at an early stage. The purpose of this procedure is to provide a mutually satisfactory means for rapid response to any AP's complaint, to avoid any likelihood of a complicated legal procedure.

39. The complaint can be filed first at the village level and can be elevated to the highest level if the complainants are not satisfied with the decisions made by the village and district levels/committees. Complainants from Ethnic Minority groups will be exempted from all taxes, administrative and legal fees associated with their claims and grievance redress.

40. All complaints and resolutions will be properly documented by the concerned resettlement committee and be available for (i) the public and (ii) review for monitoring purposes.

41. The detailed grievance redress procedure would be as follows:

- (i) The complainant can voice his/her complaint to the village or residential committee. The village or residential committee should keep records, consult with the local resettlement office and provide a reply to the AP within 1- 2 week.
- (ii) If the complainant is not satisfied with the reply, he/she can appeal to the township or sub- district resettlement working office, which will take records, consult with the local resettlement office and provide a resolution to the AP within 1 - 2 week.
- (iii) If the complainant still does not accept the proposed resolution, then he/she can appeal directly to the PMO, which is the main organization responsible for the whole subproject. The city or county subproject resettlement office should make a record of any appeal and provide a resolution within 1- 2 week.
- (iv) If the complaint still remains unresolved, then the AP can appeal to the GPMO. The Resettlement Office is responsible for keeping records of all appeals, and the resultant resolutions.

42. Complainant also have the right to use alternative channels at any time: (i) go through an administrative appeal according to the *Administrative Procedure Law of PRC*, or (ii) go directly to the People's Court.

43. All complaints and resolutions will be properly documented by the concerned resettlement committee and be available for (i) the public and (ii) review for monitoring purposes.

## VII. INSTITUTIONAL ARRANGEMENTS

### 7.1. Key Institutions

44. The GPMO will be responsible for management of the overall investment program implementation. The PMOs for the subprojects are the IAs who have the subproject specific responsibility to implement the EMDPs in conjunction with local government agencies according to this EMDF. The GPMO will authorize the PMO of each subproject city to conduct regular (quarterly or semi-annual) monitoring, supervision and reporting of the EMDP implementation as per the requirements of this EMDF and subproject EMDPs. The institutions to be responsible for the planning, management, implementation and monitoring of the EMDP include:

- (i) GPMO for Guangxi Regional Cooperation and Integration Promotion Investment Program,
- (ii) PMO for each subproject,
- (iii) Village (Residential) Committee, and Villagers' Group,
- (iv) Selected Independent Monitoring and Evaluation Institution.

45. In the EMDP for each subproject, details would be presented on the staff, responsibility, and relationship of these institutions that are required. In addition, assessment of institutional capacity and resources capacity would also be carried out, based on which, detailed training programs will be developed and included in the EMDP. Although the GPMO has extensive experience, most staff of the subproject PMOs have had less exposure to implementing foreign loan funded projects, and with ADB IP Policy requirements. Additional training for staff from each subproject will be included in the individual EMDPs.

### 7.2. Responsibilities of the Institutions

46. **EA (GPMO).** For ethnic groups development planning and implementation, GPMO has the following responsibilities:

- Guide, support and supervise the work of the PMO to screen the ethnic groups in the project areas and the impacts by the project.
- Prepare and submit the EMDP for the concerned Provincial Government and ADB for review and approval.
- Establish and disseminate standard procedures to the PPOs for: (a) carrying out screening and social impact assessment; (b) establishment and management of databases on ethnic groups in the project areas; (c) consultations and information dissemination to ethnic groups, local authorities and other stakeholders; (d) prompt implementation of corrective actions and resolutions of grievances; and (e) ongoing internal monitoring on the implementation of the EMDP.
- Coordinate with other ministries, government agencies, mass organizations, NGOs or other organizations to ensure efficient, effective delivery of support and mitigation measures.
- Prepare and submit the semi-annual progress report on EMDP implementation to ADB.

47. **IAs (PMO for each subproject):** For ethnic minority development planning and implementation, the PMO will have the following responsibilities:

- Screen the ethnic minorities and the impacts on the ethnic groups in the province;
- Coordinate with provincial, district and village authorities to carry out fieldwork required to prepare the EMDP, including the social impact assessment, information disclosure and consultations;
- Collaborate with the provincial and district resettlement committees and village arbitration units to address the grievances. Document the grievance redress and resolutions reached at different levels;
- Implement the support measures and the mitigation measures as specified in the approved EMDP; and
- Conduct internal monitoring of the implementation of the EMDP as per agreed indicators; and, prepare and submit monthly reports to GPMO on the progress and outstanding issues.

### **VIII. BUDGET AND FINANCING**

48. The PMO for each subproject will bear all costs related to EMDP implementation, if impacts on ethnic minorities are identified. Actual costs of compensation and rehabilitation will be specified in each EMDP.

49. The costs for monitoring, supervision, grievance redress, reporting and engaging the external monitor will be borne by the PMO as part of their project administration budgets. These costs will be included in the individual EMPs.

### **IX. MONITORING AND REPORTING**

50. An external safeguards monitor will be recruited by the project to ensure that all recommendations and mitigation measures under the safeguards plans including the EMDPs for each subproject are being implemented in accordance with the plans.

51. In addition, PMOs will conduct the internal monitoring of EMDP implementation to identify as early as possible the activities achieved and the cause(s) of problems encountered so that arrangements in EMDP implementation can be adjusted. Related information will be collected monthly from the field to assess the progress of EMDP implementation and will be consolidated semi-annually safeguards implementation progress report.

52. An initial key indicator will be, as per assurances to the ADB, the opinions and concerns of ethnic minorities have been addressed, the benefits of the project have been enhanced to local ethnic communities and the adverse impacts have been avoided/mitigated. The other main indicators that will be monitored regularly are:

- Fund to implement the EGDP are allocated timely and adequately;
- Payment of compensation and special assistances to ethnic people in various categories, according to the compensation and assistance policy described in approved resettlement plan;
- Public information dissemination and meaningful consultation procedures;
- Priority of APs regarding the options offered;
- All the measures/activities as envisaged in the EGDP have been implemented. Delivery of technical assistance and support for local ethnic peoples;

- Ethnic groups, particularly ethnic women, benefited from the project interventions; and adherence to grievance procedures and outstanding issues requiring management's attention.

53. The GPMO will incorporate the internal monitoring report submitted by the PMOs on the status of EMDP implementation of each subproject in the overall project progress report to ADB in the form of a report on status of EMDP implementation, semi-annually.

**ANNEXURE I:  
OUTLINE OF AN ETHNIC MINORITIES DEVELOPMENT PLAN (EMDP)**

**A. Executive Summary of the EMDP**

1. This section concisely describes the critical facts, significant findings, and recommended actions.

**B. Description of the Project**

2. This section provides a general description of the project; discusses project components and activities that may bring impacts on local ethnic groups; and identify project area.

**C. Social Impact Assessment**

3. This section:

- (i) reviews the legal and institutional framework applicable to ethnic groups in project context;
- (ii) provides baseline information on the demographic, social, cultural, and political characteristics of the affected ethnic communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend;
- (iii) identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with ethnic groups at each stage of project preparation and implementation, taking the review and baseline information into account;
- (iv) assesses, based on meaningful consultation with the affected ethnic communities, the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected ethnic communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live;
- (v) includes a gender-sensitive assessment of the affected ethnic groups perceptions about the project and its impact on their social, economic, and cultural status; and
- (vi) identifies and recommends, based on meaningful consultation with the affected ethnic communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the ethnic groups receive culturally appropriate benefits under the project.

**D. Information Disclosure, Consultation and Participation**

4. This section:

- (i) describes the information disclosure, consultation and participation process with the affected ethnic communities that was carried out during project preparation;
- (ii) summarizes their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;



- (iii) in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected ethnic communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- (iv) describes consultation and participation mechanisms to be used during implementation to ensure ethnic people participation during implementation; and confirms disclosure of the draft and final EMDP to the affected ethnic communities.

#### **E. Beneficial Measures**

5. This section specifies the measures to ensure that the ethnic groups receive social and Economic benefits that are culturally appropriate, and gender responsive.

#### **F. Mitigation Measures**

6. This section specifies the measures to avoid adverse impacts on ethnic groups; and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected ethnic groups.

#### **G. Capacity Building**

7. This section provides measures to strengthen the social, legal, and technical capabilities of (i) government institutions to address ethnic groups issues in the project area; and (ii) ethnic people organizations in the project area to enable them to represent the affected ethnic people more effectively.

#### **H. Grievance Redress Mechanism**

8. This section describes the procedures to redress grievances by affected ethnic communities. It also explains how the procedures are accessible to ethnic peoples and culturally appropriate and gender sensitive.

#### **I. Monitoring, Reporting and Evaluation**

9. This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the EGDP. It also specifies arrangements for participation of affected ethnic people in the preparation and validation of monitoring, and evaluation reports.

#### **J. Institutional Arrangement**

10. This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the EMDP. It also describes the process of including relevant local organizations in carrying out the measures of the EMDP.

#### **K. Budget and Financing**

11. This section provides an itemized budget for all activities described in the EMDP.